

**OPINION
51-108**

June 11, 1951 (OPINION)

MONEYS

RE: Distribution of Remittance Received from Sale of Confiscated Car

You state that the office of the State Treasurer has received a check from the County of Burleigh, dated May 16, 1951, No. 3017 and in the amount of \$1884.12. This remittance is money from the sale of a confiscated car.

You request the opinion of this office as to the distribution or crediting of the above mentioned money.

Section 29-3108, N.D.R.C. 1943 provides: "After deducting the costs and expenses of a proceeding for sale under this chapter (Confiscation of Equipment Used in Commission of Crime), the balance of all money received under the provisions of the chapter shall be paid to the treasurer of the county wherein the felony was committed for the benefit of the state school fund."

Section 15-0301, N.D.R.C. 1943 provides: "All moneys belonging to the permanent funds of the common schools and other public institutions derived from the sale of any of the lands described in section 15-0102 or from any other source shall be paid to and held by the state treasurer and shall be subject to the order of the board of university and school lands. Such moneys shall be paid over on the order of the board for investment as provided in this chapter whenever the board requires the same.* * *"

It is our opinion that the money received from the County of Burleigh for the sale of the confiscated car should be credited to the permanent school fund. The money should be held by the State Treasurer subject to the order of the board of University and School Lands, pursuant to the statute quoted.

ELMO T. CHRISTIANSON

Attorney General